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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,300	02/18/2004	Peter Satitpunwaycha	AMAT/8403/MASK/MASK-ETCH	4286

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EXAMINER

DHINGRA, RAKESH KUMAR

ART UNIT PAPER NUMBER

1763

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	Application No. 10/782,300	Applicant(s) SATITPUNWAYCHA ET AL.	
	Examiner Rakesh K. Dhingra	Art Unit 1763	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see comments in the continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**PARVIZ KASSANZADEH**  
**SUPERVISORY PATENT EXAMINER**

  
Rakesh Dhingra

## Comments on applicant's remarks:

1) Applicant has proposed amendments to claims 2, 11 and 16 by adding the previously deleted limitation "having a lower dielectric constant than a remaining portion of the substrate support base".

## 2) Rejection of claims 2-3, 5, 6 and 8:

Applicant argues that Tanaka in view of Satoh and Ke do not teach claim limitation "wherein at least a portion of the substrata support base outside of the intermediate substrata support ridge is fabricated from a dielectric material having a lower dielectric constant than a remaining portion of the substrate support base", since Ke teaches that the dielectric material resides in a dielectric shield or collar 30 that rests on and covers the top surface of the cathode which is outside the perimeter of the wafer 20 and the dielectric shield 30 of Ke is removable and can be replaced by another dielectric shield and therefore, the shield 30 is not a fabricated part of the substrate support base.

Examiner responds that Ke teaches use of inner dielectric shield 38 with lower dielectric constant to maintain balance of RF power coupled through the substrate and through the inner shield portion. Further, making the ring as an integral part would be obvious, absent any additional structural limitation in the claim. Thus Tanaka in view of Satoh and Ke teaches all limitations of amended claim 2 and accordingly rejection of claim 2 and its dependent claims is maintained.

## 2) Rejection of claims 11, 16 and 20:

Applicant argues that Tanaka in view of Satoh, Ke and Martin do not teach claim limitation "wherein at least a portion of the substrata support base outside of the intermediate substrata support ridge is fabricated from a dielectric material having a lower dielectric constant than a remaining portion of the substrate support base", since Ke teaches that the dielectric material resides in a dielectric shield or collar 30 that rests on and covers the top surface of the cathode which is outside the perimeter of the wafer 20 and the dielectric shield 30 of Ke is removable and can be replaced by another dielectric shield and therefore, the shield 30 is not a fabricated part of the substrate support base.

Examiner responds that as explained above, Ke teaches use of inner dielectric shield 38 with lower dielectric constant to maintain balance of RF power coupled through the substrate and through the inner shield portion. Further, making the ring as an integral part would be obvious, absent any additional structural limitation in the claims. Thus Tanaka in view of Satoh, Ke and Martin teaches all limitations of amended claims 11, 16 and accordingly rejection of claims 11, 16 and dependent claim 20 is maintained.